

03-31.05

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

12

Application Number

10/779,486

Filing Date

02/13/2004

First Named Inventor

Peter Hansen, et al.

Art Unit

Examiner Name

Attorney Docket Number

1100-074US

ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form
☐ Fee Attached
☐ Amendment/Reply
☐ After Final
☐ Affidavits/declaration(s)
☐ Extension of Time Request
☐ Express Abandonment Request
☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)
☐ Reply to Missing Parts/ Incomplete Application
☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
☐ Licensing-related Papers
☒ Petition
☐ Petition to Convert to a Provisional Application
☐ Power of Attorney, Revocation
Change of Correspondence Address
☐ Terminal Disclaimer
☐ Request for Refund
☐ CD, Number of CD(s) _____
☐ Landscape Table on CD

- ☐ After Allowance Communication to TC
☐ Appeal Communication to Board of Appeals and Interferences
☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
☐ Proprietary Information
☐ Status Letter
☒ Other Enclosure(s) (please identify below):
Return receipt postcard
Appendices I, II, III and IV

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

EPSTEIN DRANGEL BAZERMAN & JAMES, LLP

Signature

Printed name

Robert L. Epstein

Date

March 29, 2005

Reg. No.

26,451

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Dermot M. Sheridan

Date

03/29/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re: Patent Application of

Inventor: HANSEN, Peter, et al. New York, New York
29 March 2005

Serial No.: 10/779,486

Docket No.: 1100-074US

Filed: February 13, 2004

Title: SYSTEM FOR PROVIDING STEP OUT
COMMISSIONS AND COMPENSATION FOR
RESEARCH BROKERS

Art Unit:

-----X

Attn: Doshie Day
OFFICE OF INITIAL PATENT EXAMINATION
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

This petition is filed in response to the Notice of Abandonment under 37 CFR 1.53, mailed February 9, 2005. The Notice of Abandonment states that the above captioned application is abandoned for failure to reply to the Notice to File Corrected Application Papers dated May 13, 2004. Upon request, our firm, as attorneys of record in this case (and the addressees for all correspondence),

obtained on March 28, 2005 a facsimile copy of the Notice to File Corrected Application Papers from the Office of Initial Patent Examination.

On information and belief, we submit that the Notice to File Corrected Application Papers, mailed May 13, 2005, was never received by our firm, and therefore kindly request that the Notice to File Corrected Application Papers be reissued and re-mailed to us, setting a new deadline for responding to same.

Our firm employs a very rigorous docketing system in handling all correspondence received from the USPTO. All incoming correspondence is reviewed by two members of staff, including a highly competent patent clerk with over twenty years' experience in docketing patent prosecution matters. All documents with response deadlines are entered into an electronic docketing system database by our patent clerk immediately upon receipt. Our electronic docket system is automatically updated on a daily basis to remind all attorneys and support staff of upcoming deadlines. Each entry into the electronic database is corroborated by a second member of staff.

In addition to this highly accurate electronic database and recall system, our firm also utilizes a physical docket. When a document requiring a response is received from the USPTO, the information regarding the response date is initially docketed in the electronic database by our patent clerk, as described above. The file is then placed into a separate file storage area which is specifically designated

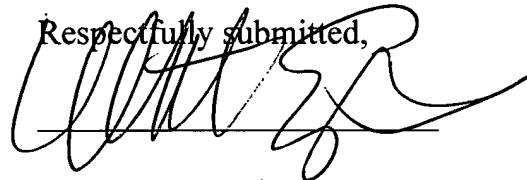
for cases in which a response is due. This physical docket is divided into monthly sections, and the file is placed into the appropriate section depending on when the response is due. This physical docket system is reviewed daily by the undersigned, and operates as a highly effective second level of security, or safety net, when documents requiring a response are received in any particular case. It is therefore believed that the robustness of our firm's docketing system, with its multiple levels of security, makes it very unlikely that the Notification to File Corrected Application Papers could have been received by us but misfiled or somehow docketed incorrectly.

In further support of the petition, submitted herewith is an extract of our electronic docket records for the above captioned application (Appendix I) indicating that information concerning this application has been duly entered into our electronic docket system as it was received in our office, including the application number (upon receipt of the return receipt postcard at the time of filing the application). Kindly note that no entry has been made in the appropriate section for a Notice to File Corrected Application Papers, namely "Notice of Missing Parts Due Date". Also enclosed are Appendices II, III and IV as examples of other cases in which a Notice to File Corrected Application Papers (or Missing Parts) have been received and duly entered into our docket system.

Further, a complete search of our office and thorough search of all of the file jackets for other patent applications we are handling for this applicant has been conducted. However, the Notice to File Corrected Application Papers in question has not been located. It is therefore believed, on the basis of our search and on the review of our docketing system, that it is very unlikely that the Notification to File Corrected Application Papers in question could have been mislaid in our office.

In light of the foregoing, it is respectfully requested that the Notice of Abandonment dated February 9, 2005 be withdrawn, and that the Notice to File Corrected Application Papers be reissued and re-mailed to us, setting a new deadline for responding to same.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert L. Epstein', written over a horizontal line.

Robert L. Epstein
Reg. No. 26,451
EPSTEIN, DRANGEL
BAZERMAN & JAMES, LLP
60 East 42nd Street, Suite 820
New York, New York 10165
Tel. No. (212) 292-5390
Fax. No. (212) 292-5391

PATENTS

Owner:	NYFIX, Inc	
Correspondent:	Bellardo	
Matter number:	1100-074US	
Assignment recorded:	<input checked="" type="radio"/> Yes <input type="radio"/> No	
Application Type:	<input type="radio"/> Provisional	
	<input checked="" type="radio"/> Non-Provisional	
	<input type="radio"/> Continuation	
	<input type="radio"/> C-I-P	
	<input type="radio"/> National Stage Entry	
	<input type="radio"/> PCT	
	<input type="radio"/> Foreign	
ApplicAtion number:	10779486	
Filing date:	2/13/2004	
Filing Fee paid:	0	
Title:	SYSTEM FOR PROVIDING STEP OUT COMMISSIO	
First named inventor:	Peter Hansen, et al.	
Group art unit:		
Examiner name:		
Attorney docket number:	1100-074	
IDS Date Due:	1/1/1900	
IDS Filed Date:	1/1/1900	
Notice of missing parts due date:		<input type="button" value="Add File"/>
Notice of missing parts filed date:		
Priority application number:		<input type="button" value="Add File"/>
Priority country:	N/A	
Priority date:		
Certified copy of foreign application filed:	<input type="radio"/> Yes <input checked="" type="radio"/> No	

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Office action:	<input type="text"/>	
Response Due Date:	<input type="text"/>	<input type="button" value="Add File"/>
Notice of appeal:	<input type="text"/>	
Appeal brief due:	<input type="text"/>	<input type="button" value="Add File"/>
Assignment recorded on reel frame:	<input type="text" value="014997/0803"/>	
Date of assignment recordal:	<input type="text" value="2/12/2004"/>	<input type="button" value="Add File"/>
Projected publication date:	<input type="text" value="8/5/2005"/>	<input type="button" value="Add File"/>
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Early publication fee paid:	<input type="text" value="0"/>	
Notice of allowance:	<input type="text"/>	<input type="button" value="Add File"/>
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Second maintenance fee due:	<input type="text"/>	Paid? <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="button" value="Add File"/>
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PATENTS

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Correspondent:	Frank, Milton		
Matter number:	1510-003		
Assignment recorded:	<input type="radio"/> Yes <input checked="" type="radio"/> No		
Application Type:	<input type="radio"/> Provisional		
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	<input type="radio"/> PCT		
	<input type="radio"/> Foreign		
	<input type="radio"/> Design		
ApplicAtion number:	10966434		
Filing date:	10/18/2004		
Filing Fee paid:	0		
Title:	TRANSPONDER ASSEMBLY AND METHOD OF MA		
First named inventor:	Frank, Milton		
Group art unit:			
Examiner name:			
Attorney docket number:	1510-003		
IDS Date Due:	1/1/1900		
IDS Filed Date:	12/2/2004		
Notice of missing parts due date:	3/12/2005	<input type="button" value="Add File"/>	
Notice of missing parts filed date:	3/11/2005		
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Priority country:	N/A		
Priority date:			
Certified copy of foreign application filed:	<input type="radio"/> Yes <input checked="" type="radio"/> No		

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Check Status Notes:	<div>USA - UTILITY - PENDING: - IDS filed 12/2/2004 - Response to Missing Parts timely filed 03/11/05.</div>	
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PATENTS

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Correspondent:	Ressler		
Matter number:	1983-100PCT		
Assignment recorded:	<input type="radio"/> Yes <input checked="" type="radio"/> No		
Application Type:	<input type="radio"/> Provisional		
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	<input type="radio"/> National Stage Entry		
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ApplicAtion number:	PCT/US05/04246		
Filing date:	2/11/2005		
Filing Fee paid:	0		
Title:	SYSTEM AND METHOD FOR PRODUCT STERILIZ/		
First named inventor:	Ressler, Barry		
Group art unit:			
Examiner name:			
Attorney docket number:	1983-100PCT		
IDS Date Due:	1/1/1900		
IDS Filed Date:	1/1/1900		
Notice of missing parts due date:	4/4/2005	Add File	
Notice of missing parts filed date:			
Priority application number:	60/543,710	Add File	
Priority country:	USA		
Priority date:	2/11/2004		
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Last day for foreign filing:	<input type="text" value="2/11/2005"/>	
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Projected publication date:	<input type="text" value="8/5/2006"/>	<input type="button" value="Add File"/>
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PATENTS

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Correspondent:	Bellardo	
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Filing date:	2/11/2005	
Filing Fee paid:	0	
Title:	SYSTEM FOR PROVIDING STEP OUT COMMISSIO	
First named inventor:	Peter Hansen, et al.	
Group art unit:		
Examiner name:		
Attorney docket number:		
IDS Date Due:	1/1/1900	
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